

Railway Company, and SPCSL Corp.—Trackage Rights Exemption—Burlington Northern Railroad Company Lines Between Dalhart, TX, and Fort Worth, TX. The settlement agreement further provides that SP shall also be granted: Access to all industries which are served directly or by reciprocal switching by either BN or Santa Fe at Amarillo, TX, at Plainview, TX, and at Lubbock, TX; and access to the Seagraves, Whiteface and Lubbock Railroad at Lubbock, TX. *See BN/Santa Fe*, slip op. at 85.

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which can occur no earlier than September 22, 1995. *See BN/Santa Fe*, slip op. at 117.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, D.C. 20036.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: August 25, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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[Finance Docket No. 32722]

Southern Pacific Transportation Company, The Denver And Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company Lines Between Kansas City, KS, and Fort Worth, TX, and Between Hutchinson, KS, and Winfield Junction, KS

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has agreed to grant Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and

SPCSL Corp. (collectively, SP) overhead trackage rights over Santa Fe's lines: between Kansas City, KS, and Fort Worth, TX (via Olathe, KS, and Cassoday, KS); and between Hutchinson, KS, and Winfield Junction, KS (via Wichita, KS). The Kansas City-Fort Worth trackage rights will run between Kansas City (in the vicinity of Santa Fe's Emporia Subdivision Milepost 1.7) and Fort Worth (in the vicinity of Santa Fe's Fort Worth Subdivision Milepost 345.6). The Hutchinson-Winfield Junction trackage rights will run between Hutchinson (in the vicinity of Santa Fe's La Junta Subdivision Milepost 216.4) and Winfield Junction (in the vicinity of Santa Fe's Arkansas City Subdivision Milepost 249.7).

These trackage rights have been granted pursuant to a settlement agreement dated April 13, 1995, which was entered into by SP, on the one side, and by Santa Fe and the Burlington Northern Railroad Company (BN), on the other side, in connection with the Finance Docket No. 32549 proceeding. *See Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549 (ICC served Aug. 23, 1995) (*BN/Santa Fe*).

The settlement agreement provides that the Kansas City-Fort Worth and Hutchinson-Winfield Junction trackage rights will be overhead rights only, subject to the access rights indicated in the next sentence. Under the terms of the settlement agreement, SP will receive access to: Industries served directly or by reciprocal switching by BN or Santa Fe at Wichita; industries at Hutchinson, through the present reciprocal switching arrangements; the Central Kansas Railway at Wichita; and the South Kansas and Oklahoma Railroad at Winfield, KS.

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which can occur no earlier than September 22, 1995. *See BN/Santa Fe*, slip op. at 117.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Paul A. Cunningham, Harkins

Cunningham, 1300 19th Street, NW., Suite 600, Washington, DC 20036.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: August 25, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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[Finance Docket No. 32721]

Southern Pacific Transportation Company, et al.—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company Lines Between Hutchinson, KS, and Chicago, IL, and Between Topeka, KS, and Kansas City, KS

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has agreed to grant Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp. (collectively, SP) overhead trackage rights over Santa Fe's lines: between Hutchinson, KS, and Chicago, IL (via Ottawa, KS); and between Topeka, KS, and Kansas City, KS. The Hutchinson-Chicago trackage rights will run between Hutchinson (in the vicinity of Santa Fe's La Junta Subdivision Milepost 220.9) and Chicago (in the vicinity of Santa Fe's Chillicothe Subdivision Milepost 14.3 at McCook, IL, and in the vicinity of Santa Fe's Chillicothe Subdivision Milepost 7.3 at Nerska, IL). The Topeka-Kansas City trackage rights will run between Topeka (in the vicinity of Santa Fe's Topeka Subdivision Milepost 52.4) and Kansas City (in the vicinity of Santa Fe's Emporia Subdivision Milepost 1.7).

These trackage rights have been granted pursuant to a settlement agreement dated April 13, 1995, which was entered into by SP, on the one side, and by Santa Fe and the Burlington Northern Railroad Company (BN), on the other side, in connection with the Finance Docket No. 32549 proceeding. *See Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549

(ICC served Aug. 23, 1995) (*BN/Santa Fe*).

The settlement agreement provides that SP may employ the Hutchinson-Chicago trackage rights only for trains comprised of not less than 90 percent intermodal or automotive traffic. The settlement agreement also provides that SP may not employ the Hutchinson-Chicago trackage rights to interchange with or connect with its own lines or the lines of any other carrier, with certain specified exceptions indicated in the next sentence. Under the terms of the settlement agreement, SP: may enter and exit Santa Fe's line at Kansas City solely to access the Kansas City Terminal Railroad and, through it, its connections; may enter and exit the Santa Fe line at Lomax, IL, solely for the purpose of accessing the Toledo, Peoria and Western Railway Corporation for intermodal and automotive traffic; may connect and interchange with other carriers at Streator, IL, solely for the purpose of movement to and from Chicago of traffic originating, terminating, or interchanged with other carriers in the Chicago area; and may connect with the Illinois Central Railroad at Joliet, IL, for movement over its lines to and from facilities at Chicago, for traffic originating or terminating at Chicago or interchanged with other carriers at Chicago.

The settlement agreement allows Santa Fe and BN to coordinate operations over their respective lines between Kansas City and Chicago, so that SP traffic moving over BN's lines between Kansas City and Chicago pursuant to trackage rights granted by BN in 1990¹ may be rerouted over Santa Fe's lines, for the operational convenience of BN and Santa Fe.²

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which can occur no earlier than September 22, 1995. *See BN/Santa Fe*, slip op. at 117.

¹ See *Rio Grande Industries, Inc., Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, SPCSL Corp.—Trackage Rights—Burlington Northern Railroad Company Lines Between Kansas City, MO, and Chicago, IL*, Finance Docket No. 31730 (ICC served Oct. 26, 1990).

² Certain modifications to the trackage rights granted by BN in 1990 are the subject of a separate exemption notice. See Finance Docket No. 31730 (Sub-No. 1), *Rio Grande Industries, Inc., Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—Burlington Northern Railroad Company Lines Between Kansas City, MO, and Chicago, IL*.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, D.C. 20036.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: August 25, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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[Finance Docket No. 32720]

Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—Burlington Northern Railroad Company Lines Between Dalhart, TX, and Fort Worth, TX

Burlington Northern Railroad Company (BN) has agreed to grant Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp. (collectively, SP) overhead trackage rights over BN's lines between Dalhart, TX (in the vicinity of BN's Milepost 417.5) and Fort Worth TX (in the vicinity of BN's Milepost 5.1).

These trackage rights have been granted pursuant to a settlement agreement dated April 13, 1995, which was entered into by SP, on the one side, and by BN and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), on the other side, in connection with the Finance Docket No. 32549 proceeding. *See Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549 (ICC served Aug. 23, 1995) (*BN/Santa Fe*).

The settlement agreement also provides that Santa Fe will grant SP: (1)

Overhead trackage rights over Santa Fe's lines between Pueblo, CO, and Stratford, TX; and (2) overhead trackage rights over Santa Fe's lines between Pueblo, CO, and Amarillo, TX, solely for the purpose of serving industries located at Amarillo, TX. This is the subject of a separate exemption notice. See Finance Docket No. 32719, *Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company Lines Between Pueblo, CO, and Amarillo, TX*. The settlement agreement further provides that SP shall also be granted: access to all industries which are served directly or by reciprocal switching by either BN or Santa Fe at Amarillo, TX, at Plainview, TX, and at Lubbock, TX; and access to the Seagraves, Whiteface and Lubbock Railroad at Lubbock, TX. *See BN/Santa Fe*, slip op. at 85.

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which can occur no earlier than September 22, 1995. *See BN/Santa Fe*, slip op. at 117.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, D.C. 20036.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: August 25, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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